

## REPRESENTATIVE JESSE JACKSON, JR.

Representative Jesse Jackson, Jr., is an eight-term member of Congress, representing Illinois' 2nd district. Rep. Jackson's ethics issue stems from his bid to be appointed to a vacant Illinois Senate seat and subsequently, the federal investigation of former-Governor Rod Blagojevich (D-IL).

### **Vacant Senate Seat**

On December 9, 2008, Gov. Blagojevich was arrested by federal agents for what was described at the time as a "political corruption crime spree."<sup>1</sup> One of the central allegations against the governor was that he attempted to sell an appointment to the Senate seat vacated by then President-elect Obama.<sup>2</sup>

The *Chicago Tribune* identified Rep. Jackson as "Senate Candidate 5," who was mentioned several times in Gov. Blagojevich's arresting affidavit.<sup>3</sup> In the affidavit, Gov. Blagojevich said he believed Rep. Jackson would "raise money" for him and that "he might get some (money) upfront."<sup>4</sup> The governor also claimed that an "emissary" from Rep. Jackson came to him and offered to raise a total of \$1.5 million for his campaign should Rep. Jackson indeed be appointed to the vacant Senate seat.<sup>5</sup>

Days before his arrest, Gov. Blagojevich attended a campaign fundraiser, which was co-hosted by Raghuvver Nayak, a supporter of both the governor and Rep. Jackson.<sup>6</sup> According to the arresting affidavit, the governor had used Mr. Nayak -- who he believed was close to Rep. Jackson -- as a go-between to encourage Rep. Jackson to start raising money for him.<sup>7</sup> Also present at the event was Rep. Jackson's brother, Jonathan Jackson, who had close business ties to Mr. Nayak.<sup>8</sup>

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<sup>1</sup> Jeff Coen, Rick Pearson, John Chase and David Kidwell, Illinois Gov. Rog Blagojevich Arrested on Federal Charges, *Chicago Tribune*, December 10, 2008 (Exhibit 1).

<sup>2</sup> Id.

<sup>3</sup> Dan Mihalopoulos and David Kidwell, Rep. Jess Jackson Jr. Again Defends Himself in Rod Blagojevich Scandal, *Chicago Tribune*, December 13, 2008 (Exhibit 2); Affidavit in Support of Application, U.S. v. Blagojevich, Sealed, (N.D.IL 2008) (hereinafter "Cain Affidavit") (Exhibit 3).

<sup>4</sup> Cain Affidavit.

<sup>5</sup> Id.

<sup>6</sup> David Kidwell, John Chase and Dan Mihalopoulos, Blagojevich Fundraiser Held by Jackson Allies Saturday, *Chicago Tribune*, December 12, 2008 (Exhibit 4).

<sup>7</sup> Cain Affidavit.

<sup>8</sup> Kidwell, Chase and Mihalopoulos, *Chicago Tribune*, Dec. 12, 2008.

Previous meetings between Mr. Nayak and Gov. Blagojevich's aides had established that the fundraiser was to support Rep. Jackson's bid for the vacant Senate seat.<sup>9</sup> In fact, the day before the governor's arrest, Rep. Jackson met with him to discuss the vacancy.<sup>10</sup>

The Office of Congressional Ethics (OCE) launched a "preliminary review of Rep. Jackson's actions surrounding his bid for appointment to the Senate seat."<sup>11</sup> OCE asked Gov. Blagojevich's former staffers and campaign aides to turn over correspondence between Rep. Jackson and the governor.<sup>12</sup>

Additionally, the Department of Justice (DOJ) interviewed Rep. Jackson during the probe of Gov. Blagojevich.<sup>13</sup> Federal authorities subpoenaed individuals with knowledge of the alleged fundraising effort by Rep. Jackson's supporters to encourage the governor to appoint the congressman to the Senate.<sup>14</sup> A grand jury was to hear testimony on the fundraising effort, but details have yet to emerge.<sup>15</sup>

Rep. Jackson has denied any wrongdoing and claims to have cooperated with both investigations.<sup>16</sup> In the first half of 2009, his campaign committee paid \$18,697 in legal fees<sup>17</sup> in addition to \$100,000 paid in December 2008.<sup>18</sup> The investigations are ongoing.<sup>19</sup>

### **Bribery**

It is a violation of Illinois law for a person, with intent to influence the performance of any act related to the employment or function of any public officer to promise or tender to that officer any property or personal advantage which he is not authorized by law to accept.<sup>20</sup> If Rep. Jackson offered then-Gov. Blagojevich anything of value, including campaign contributions, in exchange for an appointment to the vacant U.S. Senate seat, Rep. Jackson may have violated Illinois bribery law.

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<sup>9</sup> Id.

<sup>10</sup> Id.; Cain Affidavit .

<sup>11</sup> Natasha Korecki, Ethics Board Launches Probe into Rep Jesse Jackson Jr, *Chicago Sun-Times*, April 7, 2009 (Exhibit 5).

<sup>12</sup> Id.

<sup>13</sup> Jeff Coen and John Chase, Rep. Jesse Jackson Jr.: Feds Step Up Inquiry, *Chicago Tribune*, April 9, 2009 (Exhibit 6).

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Id.; Susan Saulny and Christopher Drew, Investigators Take Closer Look at Rep. Jackson in Blagojevich Case, *New York Times*, April 13, 2009 (Exhibit 7).

<sup>17</sup> Jesse Jackson, Jr. For Congress, FEC Form 3, April Quarterly Report 2009, April 13, 2009, p. 106; Jesse Jackson, Jr. For Congress, FEC Form 3, July Quarterly Report 2009, July 9, 2009, p. 25 (Exhibit 8).

<sup>18</sup> Jesse Jackson, Jr. For Congress, FEC Form 3, Year End Report 2008, January 23, 2009, p. 7 (Exhibit 9).

<sup>19</sup> Saulny, *New York Times*, Apr. 13, 2009.

<sup>20</sup> 720 ILCS 5/33-1(a).

## Conduct Not Reflecting Creditably on the House

Rule 23 of the House Ethics Manual requires all members of the House to conduct themselves “at all times in a manner that reflects creditably on the House.”<sup>21</sup> This ethics standard is considered to be “the most comprehensive provision” of the code.<sup>22</sup> When this section was first adopted, the Select Committee on Standards of Official Conduct of the 90th Congress noted that it was included within the Code to deal with “flagrant” violations of the law that reflect on “Congress as a whole,” and that might otherwise go unpunished.<sup>23</sup> This rule has been relied on by the Ethics Committee in numerous prior cases in which the Committee found unethical conduct including: the failure to report campaign contributions,<sup>24</sup> making false statements to the Committee,<sup>25</sup> criminal convictions for bribery,<sup>26</sup> or accepting illegal gratuities,<sup>27</sup> and accepting gifts from persons with interest in legislation in violation of the gift rule.<sup>28</sup>

If Rep. Jackson offered then-Gov. Blagojevich anything of value in exchange for an appointment to the U.S. Senate, he engaged in conduct that does not reflect creditably on the House.

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<sup>21</sup> Rule 23, clause 1.

<sup>22</sup> House Comm. on Standards of Official Conduct, House Ethics Manual, p. 12.

<sup>23</sup> House Comm. on Standards of Official Conduct, Report Under the Authority of H. Res. 418, H. Rep. No. 1176, 90th Cong., 2d Sess. 17 (1968).

<sup>24</sup> House Comm. on Standards of Official Conduct, *In the Matter of Representative John J. McFall*, H. Rep. No. 95-1742, 95th Cong., 2d Sess. 2-3 (1978) (Count 1); *In the Matter of Representative Edward R. Roybal*, H. Rep. No. 95-1743, 95th Cong., 2d Sess. 2-3 (1978).

<sup>25</sup> House Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Wilson (of California)*, H. Rep. No. 95-1741, 95th Cong., 2d Sess. 4-5 (1978); H. Rep. No. 95-1743(Counts 3-4).

<sup>26</sup> House Comm. on Standards of Official Conduct, *In the Matter of Representative Michael J. Myers*, H. Rep. No. 96-1387, 96th Cong., 2d Sess. 2, 5 (1980); see 126 Cong. Rec. 28953-78 (Oct. 2, 1980) (debate and vote of expulsion); *In the Matter of Representative John W. Jenrette, Jr.*, H. Rep. No. 96-1537, 96th Cong., 2d Sess. 4 (1980) (Member resigned); *In the Matter of Representative Raymond F. Lederer*, H. Rep. No. 97-110, 97th Cong., 1st Sess. 4, 16-17 (1981) (Member resigned after Committee recommended expulsion). In another case, the Committee issued a Statement of Alleged Violation concerning bribery and perjury, but took no further action when the Member resigned (*In the Matter of Representative Daniel J. Flood*, H. Rep. No. 96-856, 96th Cong., 2d Sess. 4-16, 125-126 (1980)).

<sup>27</sup> House Comm. on Standards of Official Conduct, *In the Matter of Representative Mario Biaggi*, H. Rep. No. 100-506, 100th Cong., 2d Sess. 7, 9 (1988) (Member resigned while expulsion resolution was pending).

<sup>28</sup> House Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Wilson (of California)*, H. Rep. No. 96-930, 96th Cong. 2d Sess. 4-5 (1980); see 126 Cong. Rec. 13801-20 (June 10, 1980) (debate and vote of censure).